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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,437	12/12/2003	Michael J. Muller	IBM-002	3897
51835 7590 07/02/2008 IBM LOTUS & RATIONAL SW c/o GUERIN & RODRIGUEZ 5 MOUNT ROYAL AVENUE MOUNT ROYAL OFFICE PARK MARLBOROUGH, MA 01752				
EXAMINER				
BLAIR, DOUGLAS B				
ART UNIT		PAPER NUMBER		
2142				
MAIL DATE		DELIVERY MODE		
07/02/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/734,437

**Applicant(s)**

MULLER, MICHAEL J.

**Examiner**

DOUGLAS B. BLAIR

**Art Unit**

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☒ Claim(s) 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

Claims 1-4, 7, 8, and 10 have been amended. Claims 12-39 are cancelled. Claims 1-11 are pending.

### ***Response to Arguments***

Applicant's arguments, see Remarks, filed 3/25/2008, with respect to the rejection(s) of claim(s) 1-11 under 35 USC section 102 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of U.S. Patent Application Publication Number 2002/0023136 by Silver et al.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1-3 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Application Publication Number 2002/0023136 by Silver et al.

As to claim 1, Silver teaches a method of managing email messages in an email account, the method comprising: displaying to a user a first open email message on a display screen of a device (**paragraph 73, the message to be sent**); while displaying the first open email message

to the user, detecting an intent of the user to perform an action that results in closing the first open email message (**paragraph 73, the prompt occurs after the user sends the email. Sending results in closing.**); presenting the user, in automatic response to detecting the intent of the user to perform an action that results in closing the first email message, a plurality of deletion options from which the user selects one deletion option before the action can be completed (**paragraph 73, the prompt for saving or not saving is considered deletion options. In other words there are two deletion options: to delete or not to delete**); receiving from the user a selection of one of the deletion options (**paragraph 73**); and in automatic response to receiving the selection from the user, completing the action that results in closing the first email message and setting a deletion criterion for a particular email message based on the selected deletion option (**paragraph 73, the message is either saved or not saved**).

As to claim 2, Silver teaches the method of claim 1, wherein the particular email message for which the deletion criterion is set is the first email message and the action is to close the email message (**paragraph 73**).

As to claim 3, Silver teaches the method of claim 1, wherein the action is to send the first email message to another email user and the particular email message for which the deletion criterion is set is a copy of the sent first email message (**paragraph 73**).

As to claim 9, Silver teaches the method of claim 1, further comprising defining by the user each deletion option to be presented (**paragraph 73, the user can change the configuration file to change the delete options**).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication Number 2002/0023136 by Silver et al. in view of UK Patent Application GB 2,350,711 by Yaker (Part of IDS filed on 4/19/2004).

As to claim 4, Silver teaches the method of claim 1; however Silver does not explicitly teach setting the deletion of the email to an occurrence of a scheduled item.

Yaker teaches associating the deletion of an email message with an occurrence of a scheduled item (page 2, lines 20-21).

It would have been obvious to one of ordinary skill in the Electronic Messaging art at the time of the invention to combine the teachings of Silver regarding the provision of deletion options when closing an email with the teachings of Yaker regarding the provision of scheduled deletion options because scheduling deletions removes data that may otherwise never get deleted (Yaker, page 1, lines 19-23).

As to claim 5, Yaker teaches the scheduled item being an appointment in a calendar or a task in a task list (page 2, lines 20-21, the applicant's disclosure provides no limiting definition of the claimed "appointment" or "task" so therefore the date taught by Yaker is considered both an appointment and a task).

As to claim 7, it is rejected for the same rationale as claim 4.

Claims 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication Number 2002/0023136 by Silver et al. in view of U.S. Patent Application Publication Number 2002/0090933 by Rouse et al.

As to claim 8, Silver teaches the method of claim 1; however Silver does not explicitly teach prompting a user for confirmation before deleting an email.

Rouse teaches a method of prompting a user for confirmation before deleting an email (paragraph 70).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Silver regarding the management of deletions with Rouse regarding the prompting for confirmation of deletions because prompting provides an additional layer of data protection and combining the two references would not require any modification of either references and would produce a predictable result is combined.

As to claim 10, Silver teaches the method of claim 1; however Silver does not explicitly teach displaying a mailbox view listing a plurality of email messages and providing a deletion indicator for each email message in the mailbox view marked for deletion.

Rouse teaches a method of displaying a mailbox view listing a plurality of email messages and providing a deletion indicator for each email message in the mailbox view marked for deletion (In Figure 6, the trash box is considered an indicator of messages marked for deletion).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Silver regarding the management of deletions

with Rousse regarding trash because trash is a common destination for emails that are not saved including those taught by Silver.

### *Allowable Subject Matter*

Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art was not found to teach or suggest an indicator for an email message to display deletion criterion associated with that email message in the context of the applicant's claims 1 and 10.

### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOUGLAS B. BLAIR whose telephone number is (571)272-3893. The examiner can normally be reached on 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Douglas B Blair/  
Examiner, Art Unit 2142



